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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GERALDINE BURTON, individually and
as personal representative to the estate of
HAROLD BURTON, decedent; BLAINE
BURTON, MARK BURTON and DOES
ONE through TEN, inclusive,

Plaintiffs,

vs.

A.W. CHESTERTON COMPANY, et al.,

Defendants.

Case No. CV 07-0703 SI
(related to Case No. CV 07-00702 SI)

**STIPULATION TO CONTINUE THE
CASE MANAGEMENT CONFERENCE
AND [PROPOSED] ORDER**

Date: May 11, 2007
Time: 2:00 p.m.
Dept.: Courtroom 10, 19th Floor

This Stipulation to Continue the Case Management Conference (“Stipulation”) is entered into by plaintiffs Geraldine Burton, Mark Burton and Blaine Burton (collectively, “Plaintiffs”) and defendants McDonnell Douglas Corporation, The Boeing Company and United Technologies Corporation (collectively, “Defendants”), for themselves and no other defendants, through their respective counsel of record. This Stipulation is entered into with reference to the following facts:

1. On February 2, 2007, Defendants, each individually, removed this consolidated asbestos personal injury and wrongful death action to this Court on “federal officer” grounds pursuant to 28 U.S.C. section 1442(a)(1).

2. On February 7, 2007, the Court set the initial case management conference for May 11, 2007.

3. On March 2, 2007, Plaintiffs filed a motion to remand this action to the San Francisco Superior Court. The parties have fully briefed the issues in support of and in opposition to the motion to remand. The motion was originally noticed to be heard on April 6, 2007, but the parties agreed to continue the hearing until April 20, 2007. On

1 March 9, 2007, the Clerk of the Court issued notice continuing the hearing until May 4,
2 2007.

3 4. On March 8, 2007, the Judicial Panel on Multidistrict Litigation (the
4 “Panel”) issued a Conditional Transfer Order (“CTO”) to transfer the action to
5 Multidistrict Litigation Docket No. 875 – In re Asbestos Products Liability Litigation (No.
6 VI) (“MDL 875”) in the Eastern District of Pennsylvania for consolidated pre-trial
7 proceedings.

8 5. On March 23, 2007, Defendant McDonnell Douglas Corporation filed a
9 motion to temporarily stay this action pending its transfer to MDL 875. The parties have
10 fully briefed the issues in support of and in opposition to the motion to temporarily stay the
11 action. This motion was originally noticed to be heard on April 27, 2007, but the hearing
12 was continued by the Court until May 4, 2007.

13 6. On March 23, 2007, Plaintiffs filed a Notice of Opposition to the CTO and
14 later filed a Motion to Vacate the Conditional Transfer Order on April 9, 2007. Defendant
15 McDonnell Douglas Corporation filed its Response to Plaintiffs’ Motion to Vacate on
16 April 26, 2007. Plaintiffs’ motion to vacate is scheduled for hearing by the Panel on
17 May 31, 2007.

18 7. Plaintiffs and Defendants jointly agree that it is premature, and would not be
19 prudent nor efficient, to presently address the various agenda items listed in the Court’s
20 Case Management Order and conduct the case management conference until the
21 fundamental issues of jurisdiction and venue are resolved by the pending motions in this
22 Court and before the Panel.

23 In light of the foregoing,

24 **IT IS HEREBY STIPULATED AND AGREED THAT:**

- 25 1. The CMC shall be continued from May 11, 2007 to June 18, 2007, at 2:00
26 p.m.

2. The Joint Case Management Statement shall be filed and served no later than June 11, 2007.

Respectfully submitted,

Dated: May 2, 2007

LEVIN SIMES KAISER & GORNICK LLP
JEFFREY KAISER
JESSICA BIERNIER

By: /s/

Jessica Biernier

Attorneys for Plaintiffs
GERALDINE BURTON, MARK BURTON
and BLAINE BURTON

Dated: May 2, 2007

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By: /s/

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McDonnell Douglas Corporation

Dated: May 2, 2007

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By: /s/

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UNITED TECHNOLOGIES CORPORATION
fka PRATT & WHITNEY, INC.

ORDER

Based upon the foregoing, and finding good cause therefor, it is hereby ORDERED that:

The Case Management Conference is continued to June 22, 2007 at 2:00 p.m. in Department 10 before the Honorable Judge Susan Illston.

It is further ordered that the Joint Case Management Statement, addressing all agenda items listed in the Court's Case Management Order, be filed on June 15, 2007.

IT IS SO ORDERED.

DATED: _____



Honorable Susan Illston
UNITED STATES DISTRICT JUDGE

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